

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1751**

Chapter 511, Laws of 2009

61st Legislature  
2009 Regular Session

TAX COLLECTION--PUBLIC FACILITIES IN RURAL COUNTIES

EFFECTIVE DATE: 07/26/09

Passed by the House April 25, 2009  
Yeas 95 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate April 23, 2009  
Yeas 44 Nays 4

BRAD OWEN

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**President of the Senate**

Approved May 15, 2009, 2:24 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1751** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

May 18, 2009

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1751**

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AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By** House Finance (originally sponsored by Representatives Kessler, Van De Wege, Takko, Kenney, Finn, Haigh, and Blake)

READ FIRST TIME 03/02/09.

1            AN ACT Relating to the time period during which sales and use tax  
2 for public facilities in rural counties may be collected; and  
3 reenacting and amending RCW 82.14.370.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 82.14.370 and 2007 c 478 s 1 and 2007 c 250 s 1 are  
6 each reenacted and amended to read as follows:

7            (1) The legislative authority of a rural county may impose a sales  
8 and use tax in accordance with the terms of this chapter. The tax is  
9 in addition to other taxes authorized by law and shall be collected  
10 from those persons who are taxable by the state under chapters 82.08  
11 and 82.12 RCW upon the occurrence of any taxable event within the  
12 county. The rate of tax shall not exceed 0.09 percent of the selling  
13 price in the case of a sales tax or value of the article used in the  
14 case of a use tax, except that for rural counties with population  
15 densities between sixty and one hundred persons per square mile, the  
16 rate shall not exceed 0.04 percent before January 1, 2000.

17            (2) The tax imposed under subsection (1) of this section shall be  
18 deducted from the amount of tax otherwise required to be collected or

1 paid over to the department of revenue under chapter 82.08 or 82.12  
2 RCW. The department of revenue shall perform the collection of such  
3 taxes on behalf of the county at no cost to the county.

4 (3)(a) Moneys collected under this section shall only be used to  
5 finance public facilities serving economic development purposes in  
6 rural counties and finance personnel in economic development offices.  
7 The public facility must be listed as an item in the officially adopted  
8 county overall economic development plan, or the economic development  
9 section of the county's comprehensive plan, or the comprehensive plan  
10 of a city or town located within the county for those counties planning  
11 under RCW 36.70A.040. For those counties that do not have an adopted  
12 overall economic development plan and do not plan under the growth  
13 management act, the public facility must be listed in the county's  
14 capital facilities plan or the capital facilities plan of a city or  
15 town located within the county.

16 (b) In implementing this section, the county shall consult with  
17 cities, towns, and port districts located within the county and the  
18 associate development organization serving the county to ensure that  
19 the expenditure meets the goals of chapter 130, Laws of 2004 and the  
20 requirements of (a) of this subsection. Each county collecting money  
21 under this section shall report, as follows, to the office of the state  
22 auditor, within one hundred fifty days after the close of each fiscal  
23 year: (i) A list of new projects begun during the fiscal year, showing  
24 that the county has used the funds for those projects consistent with  
25 the goals of chapter 130, Laws of 2004 and the requirements of (a) of  
26 this subsection; and (ii) expenditures during the fiscal year on  
27 projects begun in a previous year. Any projects financed prior to June  
28 10, 2004, from the proceeds of obligations to which the tax imposed  
29 under subsection (1) of this section has been pledged shall not be  
30 deemed to be new projects under this subsection. No new projects  
31 funded with money collected under this section may be for justice  
32 system facilities.

33 (c) The definitions in this section apply throughout this section.

34 (i) "Public facilities" means bridges, roads, domestic and  
35 industrial water facilities, sanitary sewer facilities, earth  
36 stabilization, storm sewer facilities, railroad, electricity, natural  
37 gas, buildings, structures, telecommunications infrastructure,

1 transportation infrastructure, or commercial infrastructure, and port  
2 facilities in the state of Washington.

3 (ii) "Economic development purposes" means those purposes which  
4 facilitate the creation or retention of businesses and jobs in a  
5 county.

6 (iii) "Economic development office" means an office of a county,  
7 port districts, or an associate development organization as defined in  
8 RCW 43.330.010, which promotes economic development purposes within the  
9 county.

10 (4) No tax may be collected under this section before July 1, 1998.

11 (a) Except as provided in (b) of this subsection, no tax may be  
12 collected under this section by a county more than twenty-five years  
13 after the date that a tax is first imposed under this section.

14 (b) For counties imposing the tax at the rate of 0.09 percent  
15 before August 1, 2009, the tax expires on the date that is twenty-five  
16 years after the date that the 0.09 percent tax rate was first imposed  
17 by that county.

18 (5) For purposes of this section, "rural county" means a county  
19 with a population density of less than one hundred persons per square  
20 mile or a county smaller than two hundred twenty-five square miles as  
21 determined by the office of financial management and published each  
22 year by the department for the period July 1st to June 30th.

Passed by the House April 25, 2009.  
Passed by the Senate April 23, 2009.  
Approved by the Governor May 15, 2009.  
Filed in Office of Secretary of State May 18, 2009.